

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFE

ALL ACTIONS

PRETRIAL ORDER NO. []
**(CASE MANAGEMENT ORDER SCHEDULING DISCOVERY, MOTIONS, AND
OTHER PROCEEDINGS TO BRING THE BELLWETHER CASES TO TRIAL)**

AND NOW, this ___ day of ____ 2020, upon consideration of the parties’ schedules for the discovery, motions, and other proceedings to bring to trial Direct Purchaser Plaintiffs’ (“DPPs”) and End-Payer Plaintiffs’ (“EPPs”) class-action complaints as to clobetasol, clomipramine, and pravastatin (the “Individual Drug Bellwether Cases”),¹ and the State Plaintiffs’ Teva-centric Amended Complaint filed November 1, 2019 (the “Teva AG Bellwether Case”, and together with the Individual Drug Bellwether Cases, the “Bellwether Cases”) it is hereby **ORDERED** that the following schedule² will govern fact discovery and the Bellwether Cases.³

A. Responsive Pleadings

The following deadlines shall govern the responsive pleading deadlines for the Bellwether Cases. These deadlines, and all additional deadlines, are listed in Exhibit A.

¹ Whether the IRPs’ individual drug cases as to clobetasol, clomipramine, and pravastatin are included in the bellwether schedule is subject to the Court’s decision on Defendants’ pending Motion for Clarification (ECF No. 1479).

² To the extent that any deadlines are on a weekend, the parties agree that the operative deadline will be the following Monday.

³ Nothing in this proposed schedule shall prejudice any Defendants’ ability to seek protective orders as necessary to protect their rights. In addition, the recent DOJ actions as to certain Defendants raise additional complexities with regard to case management in this MDL, including with regard to the scheduling of depositions, and therefore nothing in this proposed schedule shall prejudice any Defendant’s ability to seek relief from the case management schedule with regard to issues posed by the pending indictments.

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Deadline for Defendants to file responsive pleadings to all Bellwether Cases	11/1/2020	11/1/2020	11/1/2020	11/1/2020

B. Fact Discovery Deadlines

The following deadlines shall govern key fact discovery deadlines.⁴

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Fact depositions begin	12/1/2020	12/1/2020	12/1/2020	12/1/2020
Fact depositions and fact discovery concludes	6/2/2022	6/2/2022	6/2/2022	7/2/2022

C. Class Certification Deadlines

The following deadlines shall govern key events related to class certification and related expert reports in the Bellwether Cases.

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Deadline for Plaintiffs' motions for class certification, and expert reports on	9/3/2021	10/3/2021	11/3/2021	N/A

⁴ A limited exception to these deadlines applies to certain newly added defendants—Alvogen, Inc., Camber Pharmaceuticals, Inc., Hikma Labs, Inc. (f/k/a Roxane Laboratories, Inc.), Jubilant Cadista Pharmaceuticals, Inc., Mallinckrodt, Inc., Torrent Pharma, Inc., and West-Ward Columbus, Inc. (f/k/a Boehringer Ingelheim Roxane, Inc.)—which were named in this MDL for the first time in late 2019. Plaintiffs and these newly added defendants will continue to negotiate the discovery deadlines applicable to these defendants.

which they rely for class certification				
Depositions of Plaintiffs' class certification experts to conclude	11/19/2021	12/20/2021	1/20/2022	N/A
Deadline for Defendants' oppositions to class certification, <i>Daubert</i> motions, and expert reports on which Defendants rely in opposition	12/3/2021	1/3/2022	2/3/2022	N/A
Depositions of Defendants' class certification experts to conclude	2/17/2022	3/21/2022	4/19/2022	N/A
Deadline for Plaintiffs' replies in support of class certification, rebuttal expert reports, oppositions to Defendants' <i>Daubert</i> motions, and <i>Daubert</i> motions	3/3/2022	4/3/2022	5/3/2022	N/A
Depositions of Plaintiffs' rebuttal class certification experts to conclude	3/28/2022	4/26/2022	5/27/2022	N/A
Deadline for Defendants' sur-reply briefs in oppositions to class certification, and oppositions to	4/3/2022	5/3/2022	6/3/2022	N/A

Plaintiffs' <i>Daubert</i> motions *Sur-rebuttal expert reports will only be permitted with leave of the court				
Hearings on class certification	TBD by the Court	TBD by the Court	TBD by the Court	N/A

D. Merits Experts Deadlines

The following deadlines shall govern key events related to merits expert reports in the Bellwether Cases.

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Deadline for Plaintiffs to serve merits expert reports	6/6/2022	6/6/2022	6/6/2022	6/6/2022
Deadline for Defendants to serve merits expert reports	8/19/2022	8/19/2022	8/19/2022	8/19/2022
Deadline for Plaintiffs to serve rebuttal expert reports	11/1/2022	11/1/2022	11/1/2022	11/1/2022
Depositions of merits experts to conclude	12/30/2022	12/30/2022	12/30/2022	12/30/2022

E. Deadlines for Motions to Bring Cases to Trial

The below deadlines shall govern the following key motions required to bring the Bellwether Cases to trial.

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Deadline to file motions and supporting briefs for summary judgment, and <i>Daubert</i> motions	1/31/2023	1/31/2023	1/31/2023	1/31/2023
Deadline to file oppositions to summary judgment motions, and oppositions to <i>Daubert</i> motions	4/11/2023	4/11/2023	4/11/2023	70 days after the filing of the motions for summary judgment, and <i>Daubert</i> motions.
Deadline to file reply briefs in support of summary judgment motions, and replies in support of <i>Daubert</i> motions	6/1/2023	6/1/2023	6/1/2023	51 days after the filing of oppositions to summary judgment motions, and oppositions to <i>Daubert</i> motions.
Hearing on Summary Judgment	TBD by the Court	TBD by the Court	TBD by the Court	TBD by the Court

F. Bellwether Trials.

Trial shall proceed on the following schedule for the Bellwether Cases.

EVENT	INDIVIDUAL DRUG BELLWETHER #1	INDIVIDUAL DRUG BELLWETHER #2	INDIVIDUAL DRUG BELLWETHER #3	TEVA AG BELLWETHER
Pretrial planning conference (15 days after summary judgment briefing is complete)	6/15/2023	6/15/2023	6/15/2023	6/15/2023

For ease of reference, attached is Exhibit A, a sequential schedule that lists all the deadlines in chronological order with each event labeled.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.

**EXHIBIT A – SEQUENTIAL SCHEDULE OF EVENTS FOR FACT DISCOVERY AND
BELLWETHER CASES**

Event	Date
Deadline for Defendants to file responsive pleadings for all Bellwether Cases	11/01/2020
Fact depositions begin	12/01/2020
Deadline for Plaintiffs' motions for class certification, and expert reports on which they rely for class certification for Individual Drug Bellwether Case #1	09/03/2021
Deadline for Plaintiffs' motions for class certification, and expert reports on which they rely for class certification for Individual Drug Bellwether Case #2	10/03/2021
Deadline for Plaintiffs' motions for class certification, and expert reports on which they rely for class certification for Individual Drug Bellwether Case #3	11/03/2021
Depositions of Plaintiffs' class certification experts to conclude for Individual Drug Bellwether Case #1	11/19/2021
Deadline for Defendants' oppositions to class certification, <i>Daubert</i> motions, and expert reports on which Defendants rely in opposition for Individual Drug Bellwether Case #1	12/03/2021
Depositions of Plaintiffs' class certification experts to conclude for Individual Drug Bellwether Case #2	12/20/2021
Deadline for Defendants' oppositions to class certification, <i>Daubert</i> motions, and expert reports on which Defendants rely in opposition for Individual Drug Bellwether Case #2	01/03/2022
Depositions of Plaintiffs' class certification experts to conclude for Individual Drug Bellwether Case #3	01/20/2022
Deadline for Defendants' oppositions to class certification, <i>Daubert</i> motions, and expert reports on which Defendants rely in opposition for Individual Drug Bellwether Case #3	02/03/2022

Event	Date
Depositions of Defendants' class certification experts to conclude for Individual Drug Bellwether Case #1	02/17/2022
Deadline for Plaintiffs' replies in support of class certification, rebuttal expert reports, oppositions to Defendants' <i>Daubert</i> motions, and <i>Daubert</i> motions for Individual Drug Bellwether Case #1	03/03/2022
Depositions of Defendants' class certification experts to conclude for Individual Drug Bellwether Case #2	03/21/2022
Depositions of Plaintiffs' rebuttal class certification experts to conclude for Individual Drug Bellwether Case #1	03/28/2022
Deadline for Plaintiffs' replies in support of class certification, rebuttal expert reports, oppositions to Defendants' <i>Daubert</i> motions, and <i>Daubert</i> motions for Individual Drug Bellwether Case #2	04/03/2022
Deadline for Defendants' sur-reply briefs in oppositions to class certification, and oppositions to Plaintiffs' <i>Daubert</i> motions for Individual Drug Bellwether Case #1	04/03/2022
Depositions of Defendants' class certification experts to conclude for Individual Drug Bellwether Case #3	04/19/2022
Depositions of Plaintiffs' rebuttal class certification experts to conclude for Individual Drug Bellwether Case #2	04/26/2022
Hearing for Class Certification for Individual Drug Bellwether Case #1	TBD by the Court
Deadline for Plaintiffs' replies in support of class certification, rebuttal expert reports, oppositions to Defendants' <i>Daubert</i> motions, and <i>Daubert</i> motions for Individual Drug Bellwether Case #3	05/03/2022
Deadline for Defendants' sur-reply briefs in oppositions to class certification, and oppositions to Plaintiffs' <i>Daubert</i> motions Individual Drug Bellwether Case #2	05/03/2022

Event	Date
Depositions of Plaintiffs' rebuttal class certification experts to conclude for Individual Drug Bellwether Case #3	05/27/2022
Hearing for Class Certification for Individual Drug Bellwether Case #2	TBD by the Court
Fact depositions and fact discovery concludes for Individual Drug Bellwether Cases	06/02/2022
Deadline for Defendants' sur-reply briefs in oppositions to class certification, and oppositions to Plaintiffs' <i>Daubert</i> motions for Individual Drug Bellwether Case #3	06/03/2022
Hearing for Class Certification for Individual Drug Bellwether Case #3	TBD by the Court
Deadline for Plaintiffs to serve merits expert reports	06/06/2022
Fact depositions and fact discovery concludes for Teva AG Bellwether Case	07/02/2022
Deadline for Defendants to serve merits expert reports	08/19/2022
Deadline for Plaintiffs to serve rebuttal merits expert reports	11/01/2022
Depositions of merits experts to conclude	12/30/2022
Deadline to file motions and supporting briefs for summary judgment, and <i>Daubert</i> motions	01/31/2023
Deadline to file oppositions to summary judgment motions, and oppositions to <i>Daubert</i> motions for Individual Drug Bellwether Cases	04/11/2023
Deadline to file oppositions to summary judgment motions, and oppositions to <i>Daubert</i> motions for State AG Bellwether Case	70 days after the filing of the motions for summary judgment, and <i>Daubert</i> motions.
Deadline to file reply briefs in support of summary judgment motions, and replies in support of <i>Daubert</i> motions for Individual Drug Bellwether Cases	06/01/2023
Deadline to file reply briefs in support of summary judgment motions, and replies in support of <i>Daubert</i> motions for State AG Bellwether Case	51 days after the filing of oppositions to summary judgment motions, and oppositions to <i>Daubert</i> motions.
Hearing on Summary Judgment	TBD by the Court

Event	Date
Pretrial Planning Conference (15 days after summary judgment briefing closes)	06/15/2023